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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/755,065	01/09/2004	Faramarz Sahim	2003P06989 US	8137

7590 03/12/2007
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EXAMINER

GARY, ERIKA A

ART UNIT	PAPER NUMBER
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2617

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/12/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/755,065

Applicant(s)

SAHIM ET AL.

Examiner

Erika A. Gary

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 December 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 and 22-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 and 22-36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1, 16, and 29 are rejected under 35 U.S.C. 102(e) as being anticipated by prior art made of record in the previous office action, Akhteruzzaman et al., US Patent Number 6,584,316 (hereinafter Akhteruzzaman).

Regarding claims 1 and 29, Akhteruzzaman discloses a method (and apparatus) for handing over an active call between a first call device and a second call device comprising the steps of: defining a set of target hand-over devices; automatically detecting call handover threshold for said first call device, automatically initiating hand-overs responsive to detecting said threshold and monitoring said first call device for on-demand hand-over overrides, wherein at least one of said first call device and said set of target hand-over devices supports wireless local area network (WLAN) communications and said on-demand hand-over overrides include halting hand-overs and forcing hand-overs; selecting said second call device from the previously defined said set of target handover devices responsive to automatic detection of said call hand-

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over threshold, wherein selection of said second call device is manually selectable from said first device; and establishing a connection to said second call device upon acceptance of said call by said second call device [fig. 4; col. 2: lines 5-54; col. 7: lines 6-10 (Further, Akhteruzzaman discloses that the first call device is a wireless terminal operating in a wireless telephone network. It is inherent in the art that such terminals can operate in a WLAN)].

Regarding claim 16, Akhteruzzaman discloses said method further comprises dialing a telephone number of the second call device after selecting the second call device [col. 2: lines 5-54; col. 7: lines 6-10].

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-17, 19, 20, 22-25, 27- 36 are rejected under 35 U.S.C. 103(a) as being anticipated by Ostling, US Patent Number 6,327,470 (hereinafter Ostling) in view of Akhteruzzaman.

Regarding claims 1 and 29, Ostling discloses a method (and apparatus) for handing over an active call between a first call device and a second call device comprising the steps of: automatically detecting call handover threshold for said first call

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device and monitoring said first call device for on-demand hand-over overrides, wherein at least one of said first call device and said set of target hand-over devices supports wireless local area network (WLAN) communications and said on-demand hand-over overrides include halting hand-overs and forcing hand-overs; selecting said second call device from a previously defined target handover device responsive to automatic detection of said call hand-over threshold, wherein selection of said second call device is manually selectable from said first device; and establishing a connection to said second call device upon acceptance of said call by said second call device [abstract; col. 2: line 60 – col. 3: line 11; col. 4: line 65 – col. 5: line 8; figs. 2 and 3].

What Ostling does not specifically disclose is defining a set of target hand-over devices. However, Akhteruzzaman discloses defining a set of target hand-over devices [col. 2: lines 5-54].

Ostling and Akhteruzzaman are combinable because they are from the same field of endeavor, that is, automatically and manually handing over a call between a first call device and a second call device. At the time of the invention, it would have been obvious to one of ordinary skill in the art to modify Ostling to include Akhteruzzaman. The motivation for this combination, as suggested by Akhteruzzaman, would have been to provide a plurality of choices for the target device based on the user's location and needs [col. 2: lines 5-54].

Regarding claims 2 and 30, Ostling discloses the first call device is a non-WLAN device [col. 2: line 60 – col. 3: line 11].

Regarding claims 3 and 31, Ostling discloses the first call device is a WLAN device and said selector indicator selects when said WLAN device hands over to a non-WLAN device responsive to wireless local area network information and call priorities [col. 2: line 60 – col. 3: line 11].

Regarding claim 4, Ostling discloses the non-WLAN device is a cellular telephone [col. 2: line 60 – col. 3: line 11].

Regarding claims 5-9, Ostling discloses the non-WLAN cellular telephones use 3G air interface technology, TDMA, GSM, CDMA, or UMTS technology [col. 5: lines 32-35].

Regarding claim 10, Ostling discloses said non-WLAN device is an office wireline telephone [col. 2: line 60 – col. 3: line 11].

Regarding claim 11, Ostling discloses the WLAN device is a personal digital assistant [col. 2: line 60 – col. 3: line 11].

Regarding claims 12 and 13, Ostling discloses the first and second call devices support both WLAN and non-WLAN communications [col. 2: line 60 – col. 3: line 11].

Regarding claims 14 and 36, Ostling discloses the first and second call devices are the same [col. 2: line 60 – col. 3: line 11].

Regarding claim 15, Ostling discloses the first and second call devices are integrated as a single call device [col. 2: line 60 – col. 3: line 11].

Regarding claim 16, Akhteruzzaman discloses said method further comprises dialing a telephone number of the second call device after selecting the second call device [col. 2: lines 5-54].

Regarding claim 17, Akhteruzzaman discloses the step of disconnecting said call from the first call device after establishing said connection to said second call device [col. 2: lines 42-44].

Regarding claim 19, Ostling discloses the handover threshold is determined based on radio frequency signal strength of the active call [col. 3: lines 54-59].

Regarding claim 20, Ostling discloses handover is performed on-demand prior to reaching said handover threshold responsive to an on-demand hand-over override from said first call device [col. 4: line 65 – col. 5: line 8].

Regarding claim 22, Ostling discloses a user access code is used to perform said on-demand handover [col. 4: line 65 – col. 5: line 8].

Regarding claim 23, Ostling discloses a user access code is used to select telephony features for transfer from said first call device to said second call device [col. 4: line 65 – col. 5: line 8].

Regarding claim 24, Ostling discloses said call remains active after the handover is complete [col. 4: line 65 – col. 5: line 8].

Regarding claim 25, it is inherent in the art that multiple handovers can be performed per call.

Regarding claim 27, Ostling discloses the call handover threshold is determined based on available resources in the network of the target device [col. 4: line 65 – col. 5: line 8]

Regarding claim 28, Ostling discloses the call handover threshold is determined based on at least one of call priority or desired call Quality of Service of said call [col. 4: line 65 – col. 5: line 8]

Regarding claim 32, Ostling discloses a user interface for setting handover targets and preferences [fig. 4].

Regarding claims 33 and 34, the Examiner takes Official Notice that it is well known in the art to provide a user interface via a dial up connection or personal computer. At the time of the invention, it would have been obvious to one of ordinary skill in the art to modify the combination of Ostling and Akhteruzzaman to include this feature. The motivation would have been to provide the user with various means to set their user preferences.

Regarding claim 35, it is inherent in the art to include a voice prompt for notifying a call party when a handover is in progress.

5. Claims 1-19, 25-36 are rejected under 35 U.S.C. 103(a) as being anticipated by applicant's submission of prior art, Bridgelall, US Patent Application Publication Number 2002/0085516 (hereinafter Bridgelall) in view of Akhteruzzaman.

Regarding claims 1 and 29, Bridgelall discloses a method (and apparatus) for handing over an active call between a first call device and a second call device comprising the steps of: automatically detecting call handover threshold for said first call device, automatically initiating handovers responsive to detecting said threshold, wherein at least one of said first call device and said set of target hand-over devices

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supports wireless local area network (WLAN) communications; selecting said second call device from a previously defined target handover device; and establishing a connection to said second call device upon acceptance of said call by said second call device [paragraph 0011].

What Bridgelall does not specifically disclose is on-demand hand-over overrides from the first call device which include halting hand-overs and forcing hand-overs and defining a set of target hand-over devices. However, Akhteruzzaman discloses these features [col. 2: lines 5-54; col. 7: lines 6-10].

Bridgelall and Akhteruzzaman are combinable because they are from the same field of endeavor, that is, automatically handing over a call between a first call device and a second call device. At the time of the invention, it would have been obvious to one of ordinary skill in the art to modify Bridgelall to include Akhteruzzaman. The motivation for this combination, as suggested by Akhteruzzaman, would have been to provide a plurality of choices for the target device based on the user's location and needs and allow the subscriber manual control to force a hand-over at their own discretion [col. 2: lines 5-54].

Regarding claims 2 and 30, Bridgelall discloses the first call device is a non-WLAN device [paragraph 0011].

Regarding claims 3 and 31, Bridgelall discloses the first call device is a WLAN device and said selector indicator selects when said WLAN device hands over to a non-WLAN device responsive to wireless local area network information and call priorities [paragraph 0011].

Regarding claim 4, Bridgelall discloses the non-WLAN device is a cellular telephone [paragraph 0011].

Regarding claims 5-9, it is inherent in the art that non-WLAN cellular telephones use 3G air interface technology, TDMA, GSM, CDMA, or UMTS technology.

Regarding claim 10, Bridgelall discloses said non-WLAN device is an office wireline telephone [paragraph 0011].

Regarding claim 11, Bridgelall discloses the WLAN device is a personal digital assistant [paragraph 0032].

Regarding claims 12 and 13, Bridgelall discloses the first and second call devices support both WLAN and non-WLAN communications [paragraph 0011].

Regarding claims 14 and 36, Bridgelall discloses the first and second call devices are the same [paragraph 0011].

Regarding claim 15, Bridgelall discloses the first and second call devices are integrated as a single call device [paragraph 0011].

Regarding claim 16, Bridgelall discloses said second call device is selected and said connection is established whenever handing-over is not halted by an on-demand hand-over override, and said method further comprises dialing a telephone number of the second call device after selecting the second call device [paragraph 0011].

Regarding claim 17, Bridgelall discloses disconnecting the call from the first call device after establishing the connection to the second call device [paragraph 0011].

Regarding claim 18, Bridgelall discloses the handover threshold is reached when said call loses Internet Protocol connectivity [paragraph 0011].

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Regarding claim 19, Bridgelall discloses the handover threshold is determined based on radio frequency signal strength of the active call [paragraphs 0011, 0033].

Regarding claim 25, it is inherent in the art that multiple handovers can be performed per call.

Regarding claim 26, Bridgelall discloses user associated personalized settings and telephony features are handed over with each said handover [paragraph 0011].

Regarding claim 27, Bridgelall discloses the call handover threshold is determined based on available resources in the network of the target device [paragraph 0011].

Regarding claim 28, Bridgelall discloses the call handover threshold is determined based on at least one of call priority or desired call Quality of Service of said call [paragraph 0011].

Regarding claim 32, Bridgelall discloses a user interface for setting handover targets and preferences [paragraph 0011].

Regarding claims 33 and 34, the Examiner takes Official Notice that it is well known in the art to provide a user interface via a dial up connection or personal computer. At the time of the invention, it would have been obvious to one of ordinary skill in the art to modify the combination of Bridgelall and Akhteruzzaman to include this feature. The motivation would have been to provide the user with various means to set their user preferences.

Regarding claim 35, it is inherent in the art to include a voice prompt for notifying a call party when a handover is in progress.

Response to Arguments

6. Applicant's arguments with respect to claims 1-20 and 22-36 have been considered but are moot in view of the new ground(s) of rejection. Regarding claims 1 and 29, Applicant argues that Akhteruzzaman does not teach wherein at least one of said first call device and said set of target hand-over devices supports wireless local area network (WLAN) communications. However, Akhteruzzaman discloses that the first call device is a wireless terminal operating in a wireless telephone network. It is inherent in the art that such terminals can operate in a WLAN.

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Erika A. Gary whose telephone number is 571-272-7841. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Appiah can be reached on 571-272-7904. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

EAG
March 6, 2007


ERIKA A. GARY
PRIMARY EXAMINER